

FINDINGS DOCUMENT

Genwal Coal Company, Inc.
Crandall Canyon Mine
ACT/015/032, Emery County, Utah

1. The plan and the permit application are accurate and complete and all requirements of the Surface Mining Control and Reclamation Act, the approved Utah State Program and the Federal Lands Program, including the Mineral Leasing Act, have been complied with.
2. The operator has demonstrated that underground coal mining and reclamation operations, as required by the Act, the approved State Program and the Federal Lands Program, can be feasibly accomplished under the mining and reclamation operations plan contained in the application. Revegetation has been proven successful on coal mined lands in several test areas located throughout the State of Utah. The Energy Minerals Rehabilitation Inventory Analysis (EMRIA) study, a joint effort by the U. S. Department of Agriculture (USDA) and the U. S. Environmental Protection Agency (EPA) provides documentation of successful revegetation on these areas and should be referred to for more specific information (786.19[b]).
3. The assessment of the probable cumulative impacts of all anticipated coal mining in the general area on the hydrologic balance has been made by the Office of Surface Mining and the Utah Division of Oil, Gas and Mining (see Cumulative Hydrologic Impact Section, attached to this document).
4. The proposed permit area is not included within or on:
 - A. an areas designated unsuitable for underground coal mining activities (see MRP, pages 6, 7, 12-15); or
 - B. an area under study for designation as unsuitable for underground coal mining activities in an administrative proceeding begun under UMC 764, 30 CFR 765, or 769 (see MRP, page 6, 7, 12-15); or
 - C. any lands subject to the prohibitions or limitations of UMC 761.11(a), (f) or (g) (national parks, public buildings, cemeteries, etc.); or
 - D. within 100 feet of the outside right-of-way line of a public road, however, the conditions of UMC 761.12(d) have been met (see TA, page 2, Introduction); or
 - E. within 300 feet from any occupied dwelling, except as provided for in UMC 761.11(e) and 761.12(e).

5. The proposed operations will be in compliance with the National Historic Preservation Act and implementing regulations (36 CFR 800) (UMC 786.19[e]). See concurrence letter from the Utah SHPO dated August 8, 1980 and OSM memorandum from Foster Kirby dated April 17, 1981 (attached to Item V, revised MRP, page 44).
6. The applicant has the legal right to enter and begin underground activities in the permit area through two Federal leases: SL-062648 and SL-050655 (786.19[f]) (see MRP, page 6, 10 11).
7. The applicant states that no prior violations of applicable law and regulations have occurred (786.19[g]) (see MRP, page 6).
8. The applicant has paid no Abandoned Mine Reclamation Fund fee, since the mine is still undeveloped (786.19[h]).
9. The applicant does not control and has not controlled mining operations with a demonstrated pattern of willful violations of the Act of such nature, duration and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provisions of the Act (786.19[i]) (see MRP, page 6).
10. Underground coal mining and reclamation operations to be performed under the permit will not be inconsistent with other such operations anticipated to be performed in areas adjacent to the proposed permit area (786.19[j]).
11. A detailed analysis of the proposed bond had been made. The DOGM has made appropriate adjustments to reflect costs which would be incurred by the State, if it was required to contract the final reclamation activities for the minesite. The bond would be payable to both the United States and the State of Utah. The bond shall be posted (786.19[k]) with DOGM prior to final permit issuance or before any construction may begin (bond estimate attached to TA document).
12. The applicant has, with respect to both prime farmland and alluvial valley floors, obtained either a negative determination or satisfied the requirements of 30 CFR 785.17 and 785.19 (see Topsoil Section of TA and Alluvial Valley Floor Section of TA).
13. The proposed postmining land-use of the permit area has been approved by the Division in accordance with the requirements of UMC 817.133 (see Land-Use Section of TA).
14. The Division and OSM have made all specific approvals required under the Act, Subchapter K of this Chapter and the Federal Lands Program.
15. The Division and OSM have found that the activities will not affect the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitats (see Revegetation and Fish and Wildlife sections of the TA).

16. All procedures for public participation required by the Act, and approved Utah State Program, the Federal Lands Program and Council on Environmental Quality Regulations (40 CFR Part 1500 et seq.) have been complied with (741.21[a][2][ii]).

Prior to the permit taking effect, the applicant must forward a letter stating its compliance with the special stipulations in the permit and post the performance bond for reclamation activities.

DOGM Lead Reviewer

Coordinator of Mined Land Development